

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

James S. Burgett, Chairman
Walter C. Zaremba, Vice Chairman
Sheila S. Noll
Kenneth L. Bowman
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO APPROVE APPLICATION NO. SE-16-05 TO AUTHORIZE DISTURBANCE WITHIN PORTIONS OF A REQUIRED 45-FOOT GREENBELT BUFFER ALONG THE FRONTAGE OF THE PROPOSED WILLIAMSBURG MARKETCENTER PROPERTY LOCATED ON THE EAST SIDE OF MOORETOWN ROAD (ROUTE 603)

WHEREAS, Tidewater Development Company, LLC, has submitted Special Exception Application No. SE-16-05 to request authorization to clear, grade and re-landscape portions of the required 45-foot Greenbelt Buffer along the Mooretown Road frontage of its property, said property being proposed for development as the Williamsburg Marketcenter and identified as Assessor's Parcel Nos. 2-34 and 2-19-B3; and

WHEREAS, pursuant to Sections 24.1-245(c) and (d) of the York County Zoning Ordinance, the Board of Supervisors may authorize the clearing or development of a Greenbelt, subsequent to conducting a public hearing; and

WHEREAS, the Board has conducted a duly advertised public hearing on this application and has given careful consideration to the public comments;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the __ day of _____, 2005, that Application No. SE-16-05 be, and it is hereby, approved to authorize limited clearing and grading within the required Greenbelt Buffer along the frontage of the subject property, provided that activity is conducted in accordance with the following conditions:

1. The area to remain as undisturbed buffer shall be as delineated on the plan entitled Williamsburg Marketcenter Conceptual Grading Plan for 45' Greenbelt and Outparcels 4-8, prepared by Vanasse Hangen Brustlin, Inc., and dated March 16, 2005 and the supplementary drawings dated March 1, 2005; provided, however, that no disturbance shall be permitted:
 - a. within the Greenbelt between proposed Outparcel Nos. 5 and 6 unless such access drive is authorized in accordance with the terms of the Zoning Ordinance; nor
 - b. within the Greenbelt along the frontage of proposed Outparcel No. 8 unless the associated modifications to the existing stormwater management pond have been approved by the parties to the agreement referenced in Condition No. 1.c., below, and the York County Department of Environmental and Development Services, and provided further that;
 - c. the Board's authorization to fill the Greenbelt portion of proposed Outparcel No. 8 is contingent upon the approval and execution of an addendum to the agreement entitled "Stormwater Retention Pond Construction and Maintenance Agreement" dated February 10, 2004. ;
2. Finished grades and landscaping of the disturbed areas shall be as generally depicted on the conceptual drawings (Section A-A and B-B cross-sections) prepared by Vanasse Hangen Brustlin as part of the application package.
3. Prior to the commencement of any clearing or grading activity, the applicant shall be responsible for obtaining all necessary site plan and/or land disturbing activity permits in accordance with all applicable requirements of the York County Code.
4. All areas to remain undisturbed shall be clearly delineated with construction fencing prior to commencement of any clearing or grading activity.
5. Disturbed areas of the Greenbelt shall be re-landscaped in accordance with the provisions of Section 24.1-245(c) applicable to un-vegetated and under-vegetated Greenbelts. The landscape plant material selected for placement in the Greenbelt shall be subject to approval of the zoning administrator and shall consist of a variety of species intended to reflect and re-establish the native character of the area. The plans for revegetation of the Greenbelt Buffer shall be evidenced by submission of a landscape plan, which shall be subject to review and approval by the Department of Environmental and Development Services.